

IN RE: PETITION FOR VARIANCE
114 Dundalk Avenue
Corner of W/S Dundalk Avenue
E/S Willow Spring Road
12th Election District
7th Councilmanic District

Residuary Trust U/W of Milton
Schwaber,

Petitioner

BEFORE THE

DEPUTY ZONING

COMMISSIONER FOR

BALTIMORE COUNTY

Case No.: 96-484-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for a Zoning Variance for the property known as 114 Dundalk Avenue, located on the West side of Dundalk Avenue and the East side of Willow Spring Road in the Dundalk area of Baltimore County. Variance relief is requested from the Comprehensive Manual of Development Policies and from Sections 232.4 and 409.8.A of the Baltimore County Zoning Regulations to permit a portion of the required surface parking to be located within the right-of-way of the public street known as Willow Spring Road, in lieu of the 10 foot required setback.

All of the relief requested is more particularly shown on the Plat to accompany to the Petition filed in this case, submitted as Petitioner's Exhibit 1. Appearing at the public hearing for this case was Thomas J. Hoff, the Landscape Architect who prepared the site plan. The Petitioner was represented by Howard L. Alderman, Jr., Esquire. Also in attendance were Ms. Patricia A. Winter, Executive Director of the Eastern Baltimore Area Chamber of Commerce and Messrs. Combs and Ernst, members of the community. There were no Protestants present.

As noted previously, this request comes before the Deputy Zoning Commissioner for a

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Date

By

MICROFILMED

variance to permit some of the surface parking spaces to be located within a portion of the right-of-way of Willow Spring Road. The subject tract is approximately 0.12 acres in area and is zoned BL.

In support of the variances, evidence and testimony were proffered by Mr. Alderman, on behalf of Mr. Hoff, who prepared the Plan. The proffered testimony was that the subject property is a pie-shaped wedge, with the point of the wedge to the north and the widest point forming the southern boundary. The subject property is presently improved with a single story structure, approximately 1296 square feet in size, and is bordered on the east by Dundalk Avenue, on the west by Willow Spring Road and on the south by an existing McDonalds's restaurant. There are two existing entrances into the property from Dundalk Avenue and two existing from Willow Spring Road. The testimony offered indicated that the Petitioner had applied to Baltimore County for a franchise, pursuant to Baltimore County Code Section 31-86 *et seq.*, to permit use of a portion of the existing Willow Spring Road right-of-way for parking as shown on Petitioner's Exhibit No. 1. In connection with the requested franchise, the County Bureau of Traffic and Engineering is requiring that two of the existing entrances to the site be closed, the remaining two be relocated and the removal of approximately 4848 square feet of paving to be replaced with grass and new curb and gutter in specified areas, all as shown on Petitioner's Exhibit No. 1. The Certificates of Publication in conjunction with the proposed franchise were accepted as Petitioner's Exhibit 2.

Additionally, testimony showed that, absent the requested relief, the subject property can not be utilized for any permitted purpose under its BL zoning classification, given the shape, size and configuration of the property and the extensive rights-of-way of the adjoining roads. Therefore, with respect to the variance requested for the proposed parking, it is clear that the uniqueness of the existing lot relates to the lot shape and size as recorded and the previously described rights-of-way.

Ms. Winter testified, on behalf of the Chamber of Commerce that her organization supports the Petitioner's request and looks forward to a viable use replacing the existing, vacant structure. Mr. Ernst, on behalf of the St. Timothy Evangelical Lutheran Church, indicated support for the requested relief and the use of the subject property as an Italian ice shop as proposed by the Petitioner.

The testimony offered was uncontradicted and showed clearly that the conditions that exist and which justify the variance relief requested are peculiar and unique to the land and existing building on the subject property and that, if granted, there will not be any increase in residential density beyond that otherwise allowable by the BCZR. Additionally, the proffered testimony showed that strict compliance with the BCZR would unreasonably prevent use of the subject property for any of the permitted uses under its existing zoning classification, thereby resulting in practical difficulty to the Petitioner. It is clear that the relief requested is the minimum relief necessary to grant substantial justice to the Petitioner as well as other property owners in the district, and is within the spirit and intent of the BCZR.

Based upon the testimony and evidence presented, it is apparent that the requested relief is necessary as a result of the size and shape of the subject lot as recorded, prior to the acquisition of same by the Petitioner. The BCZR, specifically Section 307.1, establish a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of *Cromwell v. Ward*, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must

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Date

By

find, that the "uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause the applicable zoning provisions to impact disproportionately upon the subject property.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardships guidelines that have been imposed by the Baltimore County Zoning Regulations have been thoroughly examined and discussed by the appellate courts of this State. In *Loyola Federal Saving and Loan Association v. Buschman*, 227 Md. 243, 176 A.2d 355 (1961), the Court Appeals considered the identical regulation to Section 307.1 of the BCZR.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." *Loyola Federal* at 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in *Anderson v. Board of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That

is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, *per se*. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petitioner, as enunciated in *Anderson, supra*, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also *McLean v. Soley*, 270 Md. 208 (1973) at 214-215.

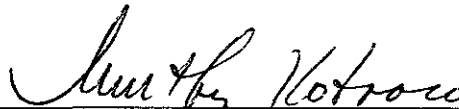
I find from the testimony and evidence presented at the hearing before me that the Petitioner has in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the BCZR. and that the granting of this relief is accomplished without injury to the

public health, safety or general welfare.

Therefore, pursuant to the standards and requirements contained within the BCZR, the advertising of the Property and public hearing held thereon, the variance relief requested as more specifically shown on Petitioner's Exhibit 1 shall be approved, and the Petition for Variance granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of July, 1996 that a variance from the CMDP and §§ 232.4 and 409.8.A of the BCZR to permit surface parking within the right-of-way of Willow Spring Road in lieu of the 10 foot required setback, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



TIMOTHY M. KOTROCO

Deputy Zoning Commissioner for Baltimore County

ORDER RECEIVED FOR FILING

Date

7/3/96

By

M. Good

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINA - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 96-484

DATE 5/30/96 ACCOUNT 01-615

By: mfk
Item: 477 AMOUNT \$ 285.00

RECEIVED FROM: Colin + Gann - 114 Dundalk Ave

020 - Comm Var. - \$ 250.00
080 - 1 sign - \$ 35.00

FOR: \$ 285.00

MICROFILMED

01A00#0020M10MRC \$285.00
BA 0006157AM05-30-96

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

96-484-A

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 3, 1996

Howard J. Alderman, Jr., Esquire
Levin and Gann
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204

RE: Case No. 96-484-A
Petition for Zoning Variance
Property: 114 Dundalk Avenue
Residuary Trust U/W of Milton Schwaber

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:mmm

att.

c: Ms. Patricia A. Winter, Exec. Dir. Eastern Balto. Area Chamber of
Commerce, 2200 Broening Highway, Suite 102, Balto.Md. 21224

MICROFILMED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 114 Dundalk Avenue
96-484-A which is presently zoned B.L.

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached Continuation Sheet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Attached Continuation Sheet

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

Howard L. Alderman, Jr.

Howard L. Alderman, Jr.
Signature

LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Residuary Trust U/W of Milton Schwaber

(Type or Print Name)

Sidney Weiman
Signature
Sidney Weiman, Trustee

(Type or Print Name)

Signature

910 Resisterstown Road 484-6100

Address Phone No.

Baltimore, Maryland 21208

City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
305 West Chesapeake Avenue, Suite 113
Towson, Maryland 21204
Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL OTHER

REVIEWED BY: *MDX* DATE *5/30/96*



FILED



96-484-A

CONTINUATION SHEET - PETITION FOR VARIANCE

Address: 114 Dundalk Avenue
Owner: Residuary Trust U/W Milton Schwaber [L7114/F148]
Tax Acc't No.: 12-04-076562

Relief Requested:

a Variance from the CMDP and Baltimore County Zoning Regulations Section 232.4 and Section 409.8.A to permit surface parking spaces to be located within the right-of-way of a public street as shown more particularly on the Plat to Accompany this Petition, in lieu of the 10 foot required setback.

Justification:

- ▶ property is improved with an existing structure;
- ▶ property is small and irregular in shape (pie shape);
- ▶ property is bordered by two public streets;
- ▶ existing entrances into property must be modified per County requirements;
- ▶ shape and configuration of property is unique to other properties in area; and
- ▶ for such further justification as will be presented at the time of the hearing on this Petition.

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 96-484-A
Towson, Maryland

District: 13d

Posted for: Donato

Date of Posting: 6/13/96

Petitioner: Asiadyey Trust w/o of N/Don Schreiber

Location of property: 114 Rosdell Ave.

Location of Sign: Feeling 300 S. W. 10th St. Property being zoned S

Remarks: _____

Posted by: _____

Signature

Date of return: 6/21/96

Number of Signs: 1

MICROFILMED



NOTICE OF HEARING

The zoning commission of Baltimore County, Maryland, of the Zoning and Planning Department of Baltimore County will hold a public hearing on the property, located in the Robert C. R. R. County Office Building, 111 W. Chase, Baltimore, Maryland, Town of Towson, at 11:00 a.m. on July 13, 1996. Old Courthouse, 118 Maryland Avenue, Towson, Maryland 21204 is below.

Case #88-484-A
(Item 417)
114 Dundalk Avenue
corner of WGS Dundalk Avenue, EGS Willow Spring Road
12th Election District
7th Councilmanic
Legal Owner(s):
Resiliency Trust UMW of Mil-

ton Schindler
Variances to permit surface parking spaces to be located within the right-of-way of a public street in lieu of the 10 foot required setback.
Hearing: Monday, July 1, 1996 at 2:00 p.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible, for special accommodations. Please Call 887-3363.
(2) For information concerning the file and/or hearing, Please Call 887-3391.

6/14/96 June 13 CS8837

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/13, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/13, 1996.

THE JEFFERSONIAN,

A. H. Enid

LEGAL AD. - TOWSON

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

477

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 477 Petitioner: Residuary Trust 1/2 of Milton Schwab
Location: 114 Dundalk Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Howard L. Alderman, Jr., Esq. / Levin & Gann PA
ADDRESS: 305 W. Chesapeake Avenue Suite 113
Towson MD 21204

PHONE NUMBER: (410) 321-0600

MICROFILMED

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book # _____, folio # _____, lot # _____, section # _____


OWNER: _____



North

date: _____
prepared by: _____

Scale of Drawing: 1" = _____

 Vicinity Map
scale: 1" = 1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1" = 200' scale map#: _____

Zoning: _____

Lot size: _____ acreage _____ square feet

public private
SEWER: ☐ ☐

WATER: ☐ ☐

Chesapeake Bay Critical Area: ☐ ☐

Prior Zoning Hearings: _____

Zoning Office USE ONLY

reviewed by: _____ ITEM #: _____ CASE#: _____

TO: PUTUXENT PUBLISHING COMPANY
June 13, 1996 Issue - Jeffersonian

Please forward billing to:

Howard L. Alderman, Jr. Esq.
305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204
321-0600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-484-A (Item 477)
114 Dundalk Avenue
corner of W/S Dundalk Avenue, E/S Willow Spring Road
12th Election District - 7th Councilmanic
Legal Owner(s): Residuary Trust U/W of Milton Schwaber

Variance to permit surface parking spaces to be located within the right-of-way of a public street in lieu of the 10 foot required setback.

HEARING: MONDAY, JULY 1, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

CERTIFICATE OF PUBLICATION

NOTICE

Pursuant to the Baltimore County Code, Section 31-86, et seq., Sidney Weiman, and Myra Wagonheim, Trustees under the Residuary Trust of the Last Will and Testament of Milton Schwaber have applied to Baltimore County, Maryland for an approximate 3,651 square foot franchise to be located within the eastern side of the right-of-way of Willow Spring Road beginning at the intersection of Willow Spring Road and Dundalk Avenue and running in a southerly direction for approximately 149 feet. The purpose of this Notice is to provide an opportunity for objects to be made to the granting of the franchise. If any person interested therein, either as a taxpayer or having property rights involved, has an objection, they should file the same in writing to the Director of Public Works for Baltimore County, 111 West Chesapeake Avenue, Towson, MD 21204 on or before July 3, 1996.
6/017 June 6, 13, 20 C57311

TOWSON, MD., 6/20, 19 96

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 3 successive weeks, the first publication appearing on 6/6, 19 96.

THE JEFFERSONIAN,

A. Henriksen

LEGAL AD. TOWSON
Publisher

MICROFILMED



NOTICE

Pursuant to the Baltimore County Code, Section 31-86, et seq., Sidney Weiman, and Myra Wagonheim, Trustees under the Residuary Trust of the Last Will and Testament of Milton Schwaber have applied to Baltimore County, Maryland for an approximate 3,651 square foot franchise to be located within the eastern side of the right-of-way of Willow Spring Road beginning at the intersection of Willow Spring Road and Dundalk Avenue and running in a southerly direction for approximately 149 feet. The purpose of this Notice is to provide an opportunity for objections to be made to the granting of the franchise. If any person interested therein, either as a taxpayer or having property rights involved, has an objection, they should file the same in writing to the Director of Public Works for Baltimore County, 111 West Chesapeake Avenue, Towson, MD 21204 on or before July 3, 1996.

6/14 19 96

WE HEREBY CERTIFY, that the annexed advertisement of

Levin & Lann Attorneys

was published in "THE BALTIMORE SUN" a daily newspaper printed

and published in the City of Baltimore 5/31/96, 6/7/96,

6/14

The Baltimore Sun Company,

By B. Coyne

6505

MICROFILMED

96-484-A

May 30, 1996

Description of 114 DUNDALK AVENUE, to Accompany Petition for Zoning Variance.

BEGINNING FOR THE SAME at a point at the intersection of the west side of Dundalk Avenue (120' R/W) and the east side of Willow Spring Road (70' R/W).

Thence binding on the west side of said Dundalk Avenue,

(1) South 20 degrees 22 minutes East 150 feet;

thence leaving the west side of Dundalk Avenue,

(2) South 84 degrees 17 minutes West 65.25 feet;

thence binding on east side of Willow Spring Road,

(3) North 7 degrees 30 minutes East 100.10 feet;

to the point of beginning containing 0.12 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



MICROFILMED

477



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 10, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-484-A (Item 477)
114 Dundalk Avenue
corner of W/S Dundalk Avenue, E/S Willow Spring Road
12th Election District - 7th Councilmanic
Legal Owner(s): Residuary Trust U/W of Milton Schwaber

Variance to permit surface parking spaces to be located within the right-of-way of a public street in lieu of the 10 foot required setback.

HEARING: MONDAY, JULY 1, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Sidney Weiman
Howard L. Alderman, Jr., Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

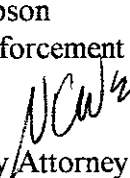
278
2000



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James H. Thompson
PDM - Code Enforcement

FROM: Nancy C. West 
Assistant County Attorney
Office of Law

DATE: November 10, 1999

SUBJECT: 114 Dundalk Avenue

I am hereby returning your departmental file relative to the above-captioned matter. I recently sent Jules Lichter a draft of a Ground Lease and I am awaiting word from Land Acquisition as to the valuation of the parcels in question.

Thanks again for all your help and if you receive any further inquiries from Jules, please feel free to refer him to me.

NCW:tsh
Attachment

cc: Beth Woodland-Hargrove

RE: PETITION FOR VARIANCE	*	BEFORE THE
114 Dundalk Avenue, Corner of W/S Dundalk	*	ZONING COMMISSIONER
Avenue, E/S Willow Spring Road	*	
12th Election District, 7th Councilmanic	*	OF BALTIMORE COUNTY
Residuary Trust U/W of Milton Schwaber	*	
Petitioner	*	CASE NO. 96-484-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esquire, Levin & Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

PETITION PROBLEMS

#473 --- MJK

1. No printed name or title for contract purchaser.

#475 --- JCM

1. No telephone number for legal owner.
2. Need authorization for person signing for legal owner.

#476 --- JLL

1. Who signed for legal owner??? Need printed name and title.
2. Need authorization for person signing for legal owner.

#477 --- MJK

1. Need authorization for person signing for legal owner.

#479 --- MJK

1. Need telephone number for legal owner.

#482 --- RT

1. Folder says it is in critical area; plat says it is not in critical area.
Which is it???

MICROFILMED

June 3, 1996

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

96-3128
ELLIS LEVIN (1893-1960)

5/30/96
9
TO JES

HOWARD L. ALDERMAN, JR.

May 30, 1996

HAND DELIVERED

Mr. Arnold Jablon, Director
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Request for Expedited Hearing
114 Dundalk Avenue
Item Number 477

Dear Mr. Jablon:

Earlier this morning we filed a petition for a parking variance applicable to the above-referenced location. The variance is to permit parking completely within the public right-of-way of Willow Spring Road. We are currently going through the Franchise Process with the County pertaining to the area shown on the Plat which accompanied the Petition. Steve Weber of the Bureau of Traffic and Engineering has established the maximum area of franchise as shown on the Plat. The only other comment by Mr. Weber in connection with the franchise was that the existing signs would have to be moved and that situation is reflected on the Plat as well.

Given the minor nature of this request and the necessity of moving quickly on behalf of our clients, I am requesting as early a hearing as is possible. I have spoken with Gwendolyn Stephens regarding this issue and she is aware that I am sending this letter. Should you need additional information in evaluating this request, as always, please do not hesitate to contact me. Thank you for every consideration that you may be able to afford us.

Very truly yours,

Howard L. Alderman, Jr.

Howard L. Alderman, Jr.

HLA/lah

cc: Sidney Weiman, Esquire
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
Gwendolyn Stephens, Docket Clerk

MAY 30 1996

MICROFILMED

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

96-3600
6/25/96
J
ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

June 24, 1996

Lois M. Bergman, Title Examiner
Baltimore County Department of
Permits and Development Management
Bureau of Land Acquisition
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Franchise Agreement - 114 Dundalk Avenue
Your File: RW96-0606

Dear Ms. Bergman:

In connection with the above-referenced franchise, I enclose herewith copies of the certifications received from THE BALTIMORE SUN and THE JEFFERSONIAN, pertaining to the publications required by Baltimore Code §31-86. You will note that the required publication appeared in each of these newspapers, once in each of three successive weeks.

We have listed the time to raise objections as July 3, 1996. After that date, assuming no objections have been raised, I would appreciate it if you would have prepared promptly the Franchise Agreement and forward it to me as soon as possible. Should you have any questions or need additional information in this regard, as always, please do not hesitate to contact me.

Very truly yours,


Howard L. Alderman, Jr.

HLA/lah

Enclosures

cc: Dennis F. Maloney, Esquire (w/enclosure)
Sidney Weiman, Esquire (w/enclosure)
Mr. Mark Wagonheim (w/enclosure)
Ms. Gwendolyn Stephens (w/enclosure) (Item No. 477/Case No. 96-484-A)

MICROFILMED

JUN 25 1996

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

THOMAS J. HOFF
PAT WINTER, EBA Co & C
Howard C. Alderman Jr.

1717 YORK RD. SUITE 1B, LUTHERVILLE
2200 BROOKING HWY¹⁶² 21224

MICROFILMED

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

THOMAS H. ERNST

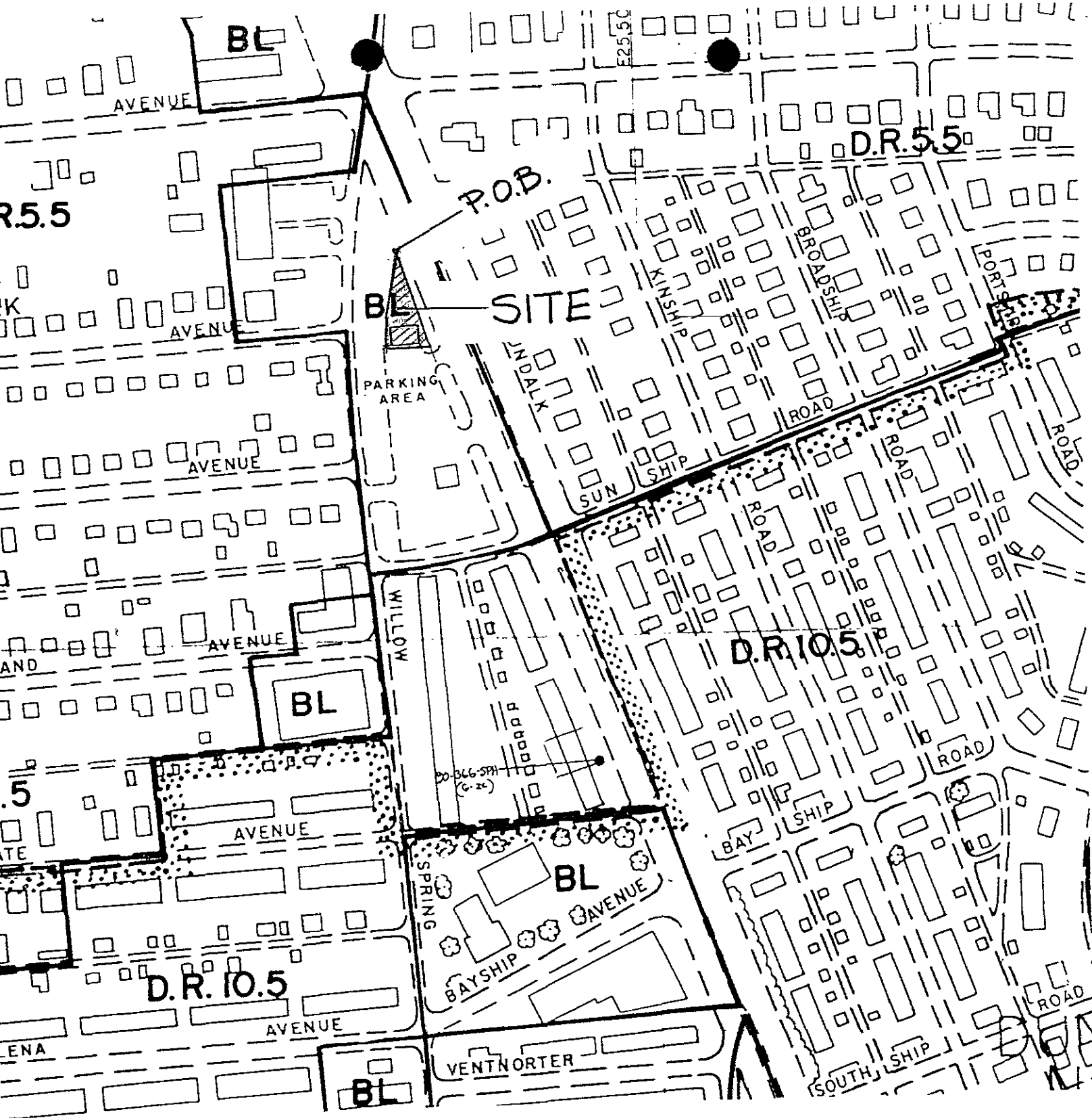
520 S. 48th S. 21224

CHARENCE L. COMBS

432 RED BIRCH RD. 21108



MICROFILMED



SCALE

1" = 200' ±

MICROFILMED

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

DUNDALK

SHEET

S. E.
4-E.

477

96-484-A



NOTICE

Pursuant to the Baltimore County Code, Section 31-86, et seq. Sidney Weisman, and Myra Wagonheim, Trustees under the Residuary Trust of the Last Will and Testament of Milton Schwaber have applied to Baltimore County, Maryland for an approximate 3,651 square foot franchise to be located within the eastern side of the right-of-way of Willow Spring Road beginning at the intersection of Willow Spring Road and Dundalk Avenue and running in a southerly direction for approximately 149 feet. The purpose of this Notice is to provide an opportunity for objections to be made to the granting of the franchise. If any person interested therein, either as a taxpayer or having property rights involved, has an objection, they should file the same in writing to the Director of Public Works for Baltimore County, 111 West Chesapeake Avenue, Towson, MD 21204 on or before July 3, 1996.

6/14 19 96

WE HEREBY CERTIFY, that the annexed advertisement of

Levin & Lann Attorneys

was published in "THE BALTIMORE SUN" a daily newspaper printed

and published in the City of Baltimore

5/31/96, 6/7/96, 6/14

EXHIBITIONER'S

The Baltimore Sun Company,

By

EXHIBIT

2

6505

CERTIFICATE OF PUBLICATION

NOTICE

Pursuant to the Baltimore County Code, Section 31-86, et seq. Sidney Weisman, and Myra Wagonheim, Trustees under the Residuary Trust of the Last Will and Testament of Milton Schwaber have applied to Baltimore County, Maryland for an approximate 3,651 square foot franchise to be located within the eastern side of the right-of-way of Willow Spring Road beginning at the intersection of Willow Spring Road and Dundalk Avenue and running in a southerly direction for approximately 149 feet. The purpose of this Notice is to provide an opportunity for objects to be made to the granting of the franchise. If any person interested therein, either as a taxpayer or having property rights involved, has an objection, they should file the same in writing to the Director of Public Works for Baltimore County, 111 West Chesapeake Avenue, Towson, MD 21204 on or before July 3, 1996.

6017 June 6, 13, 20 C57311

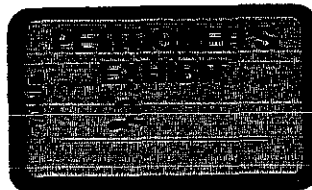
TOWSON, MD., 6/20, 19 96

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 3 successive weeks, the first publication appearing on 6/6, 19 96.

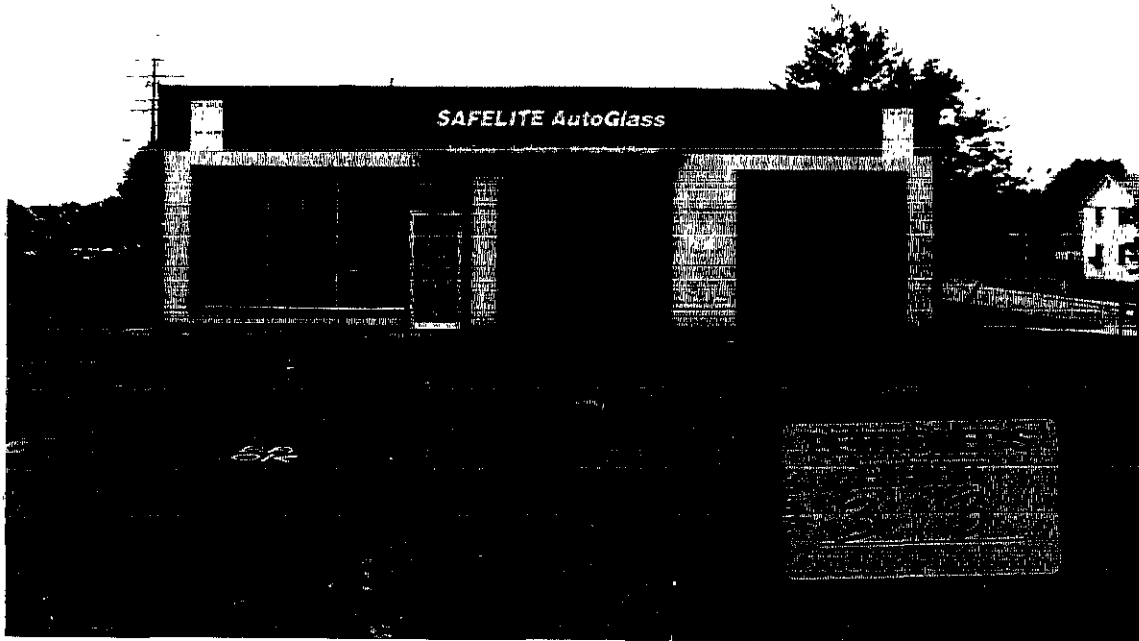
THE JEFFERSONIAN,

A. Henrichson
LEGAL AD - TOWSON
Publisher

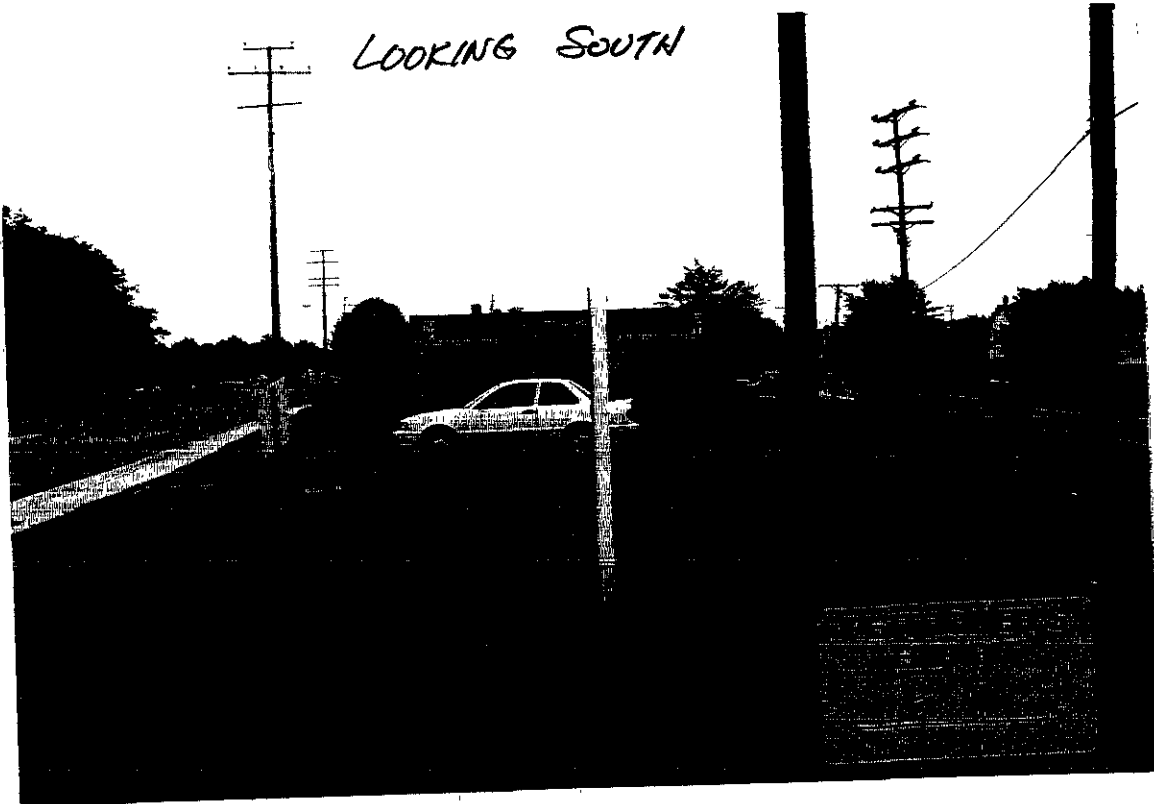
MICROFILMED



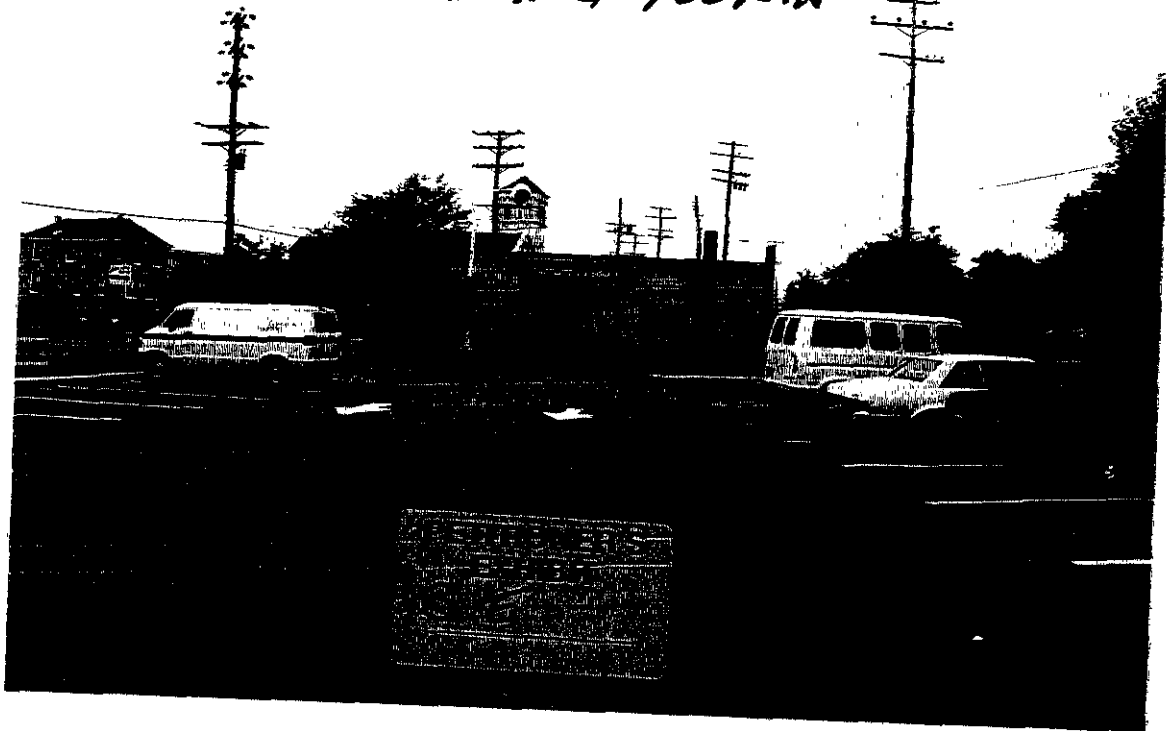
CLOSE UP - LOOKING SOUTH



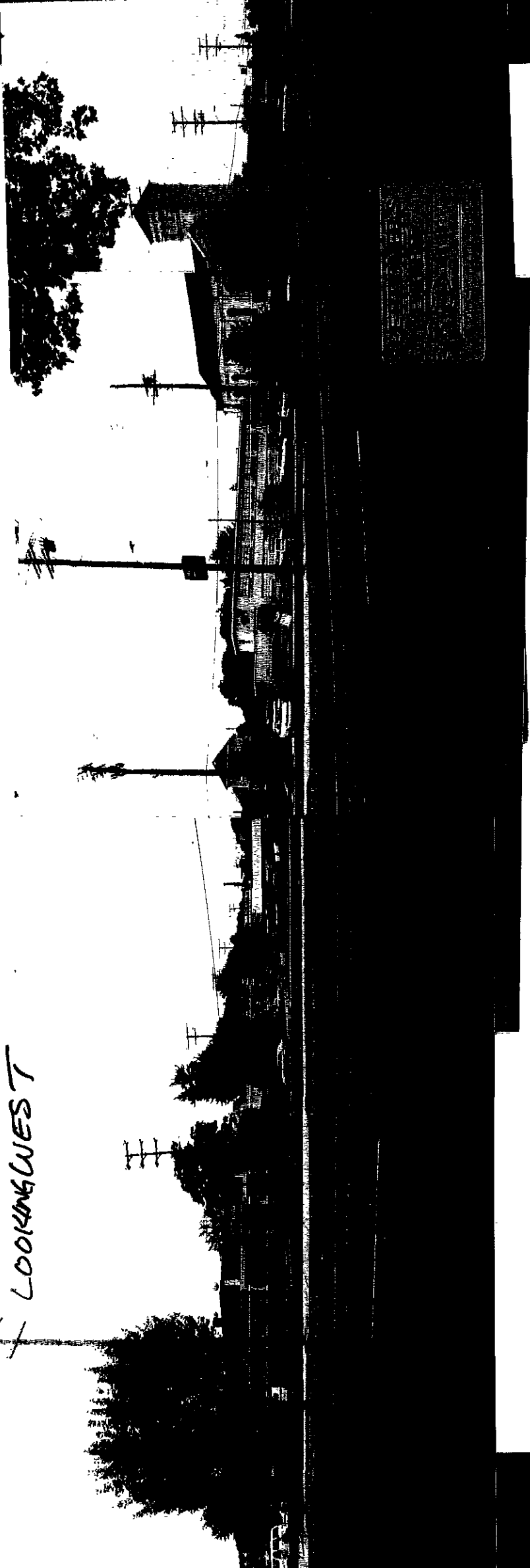
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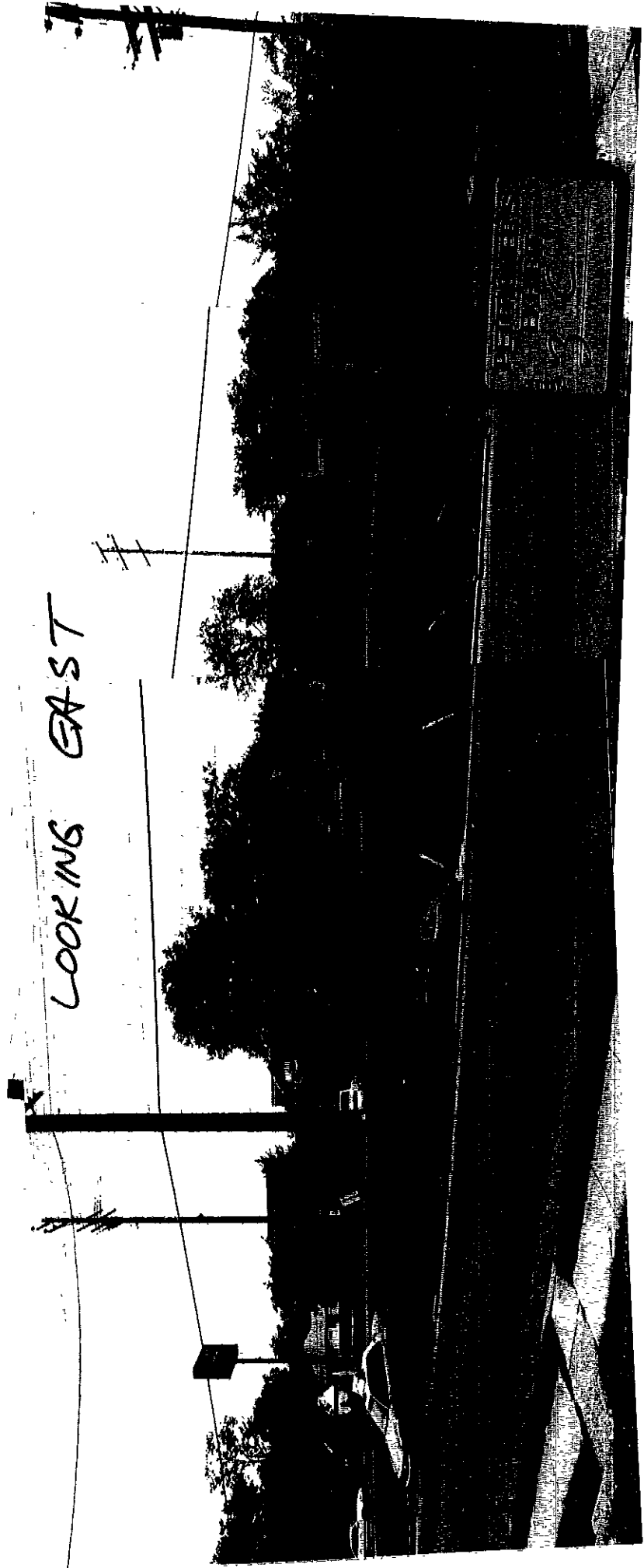
LOOKING NORTH



4- LOOKING WEST



LOOKING EAST



IN RE: PETITION FOR VARIANCE
114 Dundalk Avenue
Corner of W/S Dundalk Avenue
E/S Willow Spring Road
12th Election District
7th Councilmanic District
Residuary Trust U/W of Milton
Schwaber,
Petitioner

BEFORE THE
DEPUTY ZONING
COMMISSIONER FOR
BALTIMORE COUNTY
Case No.: 96-484-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for a Zoning Variance for the property known as 114 Dundalk Avenue, located on the West side of Dundalk Avenue and the East side of Willow Spring Road in the Dundalk area of Baltimore County. Variance relief is requested from the Comprehensive Manual of Development Policies and from Sections 232.4 and 409.8 A of the Baltimore County Zoning Regulations to permit a portion of the required surface parking to be located within the right-of-way of the public street known as Willow Spring Road, in lieu of the 10 foot required setback.

All of the relief requested is more particularly shown on the Plat to accompany to the Petition filed in this case, submitted as Petitioner's Exhibit 1. Appearing at the public hearing for this case was Thomas J. Hoff, the Landscape Architect who prepared the site plan. The Petitioner was represented by Howard L. Alderman, Jr., Esquire. Also in attendance were Ms. Patricia A. Winter, Executive Director of the Eastern Baltimore Area Chamber of Commerce and Messrs. Combs and Ernst, members of the community. There were no Protestants present.

As noted previously, this request comes before the Deputy Zoning Commissioner for a

variance to permit some of the surface parking spaces to be located within a portion of the right-of-way of Willow Spring Road. The subject tract is approximately 0.12 acres in area and is zoned BL.

In support of the variances, evidence and testimony were proffered by Mr. Alderman, on behalf of Mr. Hoff, who prepared the Plan. The proffered testimony was that the subject property is a pie-shaped wedge, with the point of the wedge to the north and the widest point forming the southern boundary. The subject property is presently improved with a single story structure, approximately 1296 square feet in size, and is bordered on the east by Dundalk Avenue, on the west by Willow Spring Road and on the south by an existing McDonald's restaurant. There are two existing entrances into the property from Dundalk Avenue and two existing from Willow Spring Road. The testimony offered indicated that the Petitioner had applied to Baltimore County for a franchise, pursuant to Baltimore County Code Section 31-86 *et seq.*, to permit use of a portion of the existing Willow Spring Road right-of-way for parking as shown on Petitioner's Exhibit No. 1. In connection with the requested franchise, the County Bureau of Traffic and Engineering is requiring that two of the existing entrances to the site be closed, the remaining two be relocated and the removal of approximately 4848 square feet of paving to be replaced with grass and new curb and gutter in specified areas, all as shown on Petitioner's Exhibit No. 1. The Certificates of Publication in conjunction with the proposed franchise were accepted as Petitioner's Exhibit 2.

Additionally, testimony showed that, absent the requested relief, the subject property can not be utilized for any permitted purpose under its BL zoning classification, given the shape, size and configuration of the property and the extensive rights-of-way of the adjoining roads. Therefore, with respect to the variance requested for the proposed parking, it is clear that the uniqueness of the existing lot relates to the lot shape and size as recorded and the previously described rights-of-way.

Ms. Winter testified, on behalf of the Chamber of Commerce that her organization supports the Petitioner's request and looks forward to a viable use replacing the existing, vacant structure. Mr. Ernst, on behalf of the St. Timothy Evangelical Lutheran Church, indicated support for the requested relief and the use of the subject property as an Italian ice shop as proposed by the Petitioner.

The testimony offered was uncontradicted and showed clearly that the conditions that exist and which justify the variance relief requested are peculiar and unique to the land and existing building on the subject property and that, if granted, there will not be any increase in residential density beyond that otherwise allowable by the BCZR. Additionally, the proffered testimony showed that strict compliance with the BCZR would unreasonably prevent use of the subject property for any of the permitted uses under its existing zoning classification, thereby resulting in practical difficulty to the Petitioner. It is clear that the relief requested is the minimum relief necessary to grant substantial justice to the Petitioner as well as other property owners in the district, and is within the spirit and intent of the BCZR.

Based upon the testimony and evidence presented, it is apparent that the requested relief is necessary as a result of the size and shape of the subject lot as recorded, prior to the acquisition of same by the Petitioner. The BCZR, specifically Section 307.1, establish a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of *Cromwell v. Ward*, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must

find, that the "uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause the applicable zoning provisions to impact disproportionately upon the subject property.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardships guidelines that have been imposed by the Baltimore County Zoning Regulations have been thoroughly examined and discussed by the appellate courts of this State. In *Loyola Federal Saving and Loan Association v. Buschman*, 227 Md. 243, 176 A.2d 355 (1961), the Court Appeals considered the identical regulation to Section 307.1 of the BCZR.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." *Loyola Federal* at 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in *Anderson v. Board of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That

is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, *per se*. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petitioner, as enunciated in *Anderson, supra*, are as follows:

- whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also *McLean v. Soley*, 270 Md. 208 (1973) at 214-215.

I find from the testimony and evidence presented at the hearing before me that the Petitioner has in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the BCZR, and that the granting of this relief is accomplished without injury to the

public health, safety or general welfare.

Therefore, pursuant to the standards and requirements contained within the BCZR, the advertising of the Property and public hearing held thereon, the variance relief requested as more specifically shown on Petitioner's Exhibit 1 shall be approved, and the Petition for Variance granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of July, 1996 that a variance from the CMDP and §§ 232.4 and 409.8 A of the BCZR to permit surface parking within the right-of-way of Willow Spring Road in lieu of the 10 foot required setback, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 3, 1996

Howard J. Alderman, Jr., Esquire
Levin and Gann
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204

RE: Case No. 96-484-A
Petition for Zoning Variance
Property: 114 Dundalk Avenue
Residuary Trust U/W of Milton Schwaber

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner

TMK:mmm

att.

c: Ms. Patricia A. Winter, Exec. Dir. Eastern Balto. Area Chamber of Commerce, 2200 Broening Highway, Suite 102, Balto.Md. 21224

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 114 Dundalk Avenue
which is presently zoned B.L.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned (legal owners) of the property, notice in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached Continuation Sheet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See Attached Continuation Sheet

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County as set forth in the Zoning Law for Baltimore County.

CONTROL FUTURE USES

Type of Petition

Signature

Address

City

State

Zip Code

Attorney for Petitioner

Howard L. Alderman, Jr.

Signature

LEVIN & GANN, P.A.

305 West Chesapeake Avenue

Suite 113

Towson, Maryland 21204

Attorney's Phone No.: (410) 321-6600

After 24 hours notice and after, under the provisions of Section 241, the use of the subject property of the property which is the subject of this petition

Legal Owner(s)

Residuary Trust U/W of Milton Schwaber

Type of Petition

Signature

Address

City

State

Zip Code

Attorney for Petitioner

Howard L. Alderman, Jr.

Signature

LEVIN & GANN, P.A.

305 West Chesapeake Avenue

Suite 113

Towson, Maryland 21204

Attorney's Phone No.: (410) 321-6600

ESTIMATED LENGTH OF HEARING

the following date

ALL OTHER

REVIEWED BY

DATE

ORDER RECEIVED FOR FILING
Date
By

ORDER RECEIVED FOR FILING
Date
By

CONTINUATION SHEET - PETITION FOR VARIANCE

Address: 114 Dundalk Avenue
 Owner: Residuary Trust U/W Milton Schwaber [L7114/F148]
 Tax Acc't No.: 12-04-076562

Relief Requested:

a Variance from the CMDP and Baltimore County Zoning Regulations Section 232.4 and Section 409.8.A to permit surface parking spaces to be located within the right-of-way of a public street as shown more particularly on the Plat to Accompany this Petition, in lieu of the 10 foot required setback.

Justification:

- property is improved with an existing structure;
- property is small and irregular in shape (pie shape);
- property is bordered by two public streets;
- existing entrances into property must be modified per County requirements;
- shape and configuration of property is unique to other properties in area; and
- for such further justification as will be presented at the time of the hearing on this Petition.

HOFF & ANTONUCCI ASSOCIATES
 10000 Old Annapolis Road
 Annapolis, MD 21406

Description of 114 DUNDALK AVENUE, to Accompany Petition for Zoning Variance.

BEGINNING FOR THE SAME at a point at the intersection of the west side of Dundalk Avenue (120° R/W) and the east side of Willow Spring Road (70° R/W).

Thence binding on the west side of said Dundalk Avenue,
 (1) South 20 degrees 22 minutes East 150 feet;

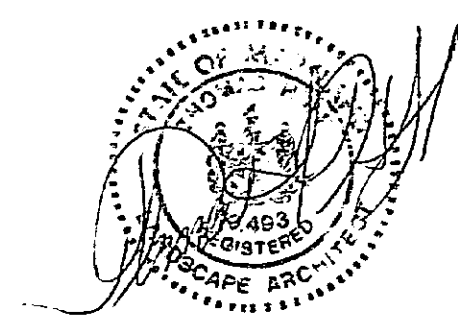
thence leaving the west side of Dundalk Avenue,
 (2) South 84 degrees 17 minutes West 65.25 feet;

thence binding on east side of Willow Spring Road,
 (3) North 7 degrees 30 minutes East 100.10 feet;

to the point of beginning containing 0.12 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



1717 York Road • Suite 18 • Lutherville, MD 21093 • 410-628-9225 • Fax 410-628-9229

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District: 114 Date of Posting: 6/13/96
 Posted for: 114 Dundalk Avenue
 Petitioner: Residuary Trust U/W of Milton Schwaber
 Location of property: 114 Dundalk Avenue
 Location of Sign: 114 Dundalk Avenue, Property being zoned
 Remarks: None
 Posted by: [Signature] Date of return: 6/13/96
 Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/13, 1996
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/13, 1996.

THE JEFFERSONIAN,
 A. Henricson
 LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 2:00 p.m. on Monday, July 1, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

Case #96-484 (Item 477)
 114 Dundalk Avenue
 corner of W/S Dundalk Ave
 and E/S Willow Spring Road
 12th Election District - 7th Councilmanic
 Legal Owner(s): Residuary Trust U/W of Milton Schwaber
 Variance to permit surface parking spaces to be located within the right-of-way of a public street in lieu of the 10 foot required setback.
 Hearing: Monday, July 1, 1996 at 2:00 p.m. in Room 118, Old Courthouse.
 LAWRENCE E. SCHWARTZ
 Zoning Commissioner for Baltimore County
 (1) If needed, see Handicapped Accessible for special accommodations.
 (2) For information concerning the file and/or hearing, please call 887-3353.
 6/14/96 13 02557

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/20, 1996
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 3 successive weeks, the first publication appearing on 6/6, 1996.

THE JEFFERSONIAN,
 A. Henricson
 LEGAL AD. - TOWSON

NOTICE

Notice to the Baltimore County Code, Section 21-40, et seq. (Zoning Act and Regulations of Baltimore County) that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 3 successive weeks, the first publication appearing on 6/6, 1996.

BALTIMORE COUNTY, MARYLAND
 OFFICE OF THE REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 975913

DATE: 6/13/96 ACCOUNT: 61-615

AMOUNT: \$ 285.00

RECEIVED FROM: 114 Dundalk Ave

FOR: \$ 285.00

FOR: \$ 285.00

VALIDATION OR SIGNATURE OF CASHIER

THREE CASHIER FROM AGENT YELLOW CUSTOMER

96-484-A



WE HEREBY CERTIFY, that the annexed advertisement of

was published in "THE BALTIMORE SUN" a daily newspaper published and published in the City of Baltimore 5/31/96, 6/7/96, 6/14/96

The Baltimore Sun Company

By [Signature]



Baltimore County
 Department of Permits and
 Development Management

Development Processing
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 477 Petitioner: Residuary Trust U/W of Milton Schwaber

REMARKS: 114 Dundalk Avenue, Property being zoned

REMARKS: 114 Dundalk Avenue, Property being zoned

REMARKS: 114 Dundalk Avenue, Property being zoned

REMARKS: 114 Dundalk Avenue, Property being zoned

TO: PUBLISHED PUBLISHING COMPANY
 June 13, 1996 Issue - Jeffersonian

Please forward billing to:

Howard L. Alderman, Jr., Esq.
 305 W. Chesapeake Avenue, Suite 113
 Towson, MD 21204
 321-0600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 2:00 p.m. on Monday, July 1, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

Case Number: 96-484-3 (Item 477)
 114 Dundalk Avenue
 corner of W/S Dundalk Avenue, E/S Willow Spring Road
 12th Election District - 7th Councilmanic
 Legal Owner(s): Residuary Trust U/W of Milton Schwaber

Variance to permit surface parking spaces to be located within the right-of-way of a public street in lieu of the 10 foot required setback.

HEARING: MONDAY, JULY 1, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHWARTZ
 Zoning Commissioner for Baltimore County

NOTICE: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.



Baltimore County
 Department of Permits and
 Development Management

Development Processing
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

June 10, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 2:00 p.m. on Monday, July 1, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

Case Number: 96-484-3 (Item 477)
 114 Dundalk Avenue
 corner of W/S Dundalk Avenue, E/S Willow Spring Road
 12th Election District - 7th Councilmanic
 Legal Owner(s): Residuary Trust U/W of Milton Schwaber

Variance to permit surface parking spaces to be located within the right-of-way of a public street in lieu of the 10 foot required setback.

HEARING: MONDAY, JULY 1, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

Arnold Jablon
 Director

cc: Sidney Weisman
 Howard L. Alderman, Jr., Esq.

NOTICE: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

